

REMARKS

The Applicant respectfully requests reconsideration and Allowance of Claims 1, 3-4, 7-9, 11-12, and 14-20 in view of the amendments above and the following arguments.

CLAIM OBJECTION

Claim 11 was objected to for depending on a canceled claim. Claim 11 has been amended to depend from pending claim 9. As a result, Applicant respectfully requests that the objection to claim 11 on these grounds be withdrawn and the claim allowed.

35 U.S.C. §102 REJECTION

Claims 1, 3, 4, 7-9, 11, 12, and 14-20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,311,214 to Rhoads ("Rhoads").

STATUS OF THE CLAIMS

Claims 2, 5, 6, 10, and 13 have been canceled.

Claims 1, 3, 4, 8-9, 11-12 and 14 - 20 remain pending in this case.

Claim 9 has been rewritten in independent form to include all the limitations of the base claim 1, including intervening dependent claim 7. As a result, the scope of claim 9 has not been changed by the rewriting.

Independent claim 9 requires a reference repository wherein the reference repository receives an electronic file from a communications network and stores characteristic information associated with the electronic file for use in inserting a library specific identification code on the electronic file; an indexing unit linked with the reference repository wherein the indexing unit assigns an identification code to the electronic file wherein the identification code comprises a library specific identification code for procedures used by a specific library and wherein the indexing unit assigns the library specific identification code to the electronic file with respect to the characteristic information ; and an editing unit linked with the reference repository and the indexing unit wherein the editing unit inserts the library specific identification code to the electronic file.

These amendments represent clarifications and do add further limitations to the claim.

CLAIMS 1, 3- 4, 7- 9, 11-12, AND 14-20 ARE NOT ANTICIPATED BY THE CITED ART.

The Examiner rejected claims 1, 3-4, 7-9, 11-12 and 14-20 under 35 U.S.C. § 102 as anticipated by Rhoads. Applicant respectfully traverses these rejections on the ground that Rhoads neither discloses, or suggests, Applicant's network assembly as claimed.

THE RHOADS PATENT

Rhoads discloses a printed object, such as an item of postal mail, a book, printed advertising, a business card, product packaging, etc., that is steganographically encoded with plural-bit data. When such an object is presented to an optical sensor, the plural-bit data is decoded and used to establish a link to an internet address corresponding to that object. (See e.g. the Abstract). The "centerpiece" of the invention is that an object or paper product scanned by the optical sensor contains digital information that can be quickly read and acted upon by an appropriately configured device. These tangible objects have been previously and proactively marked with digital information. (See e.g. Column 1, lines 49-59). The gist of the Rhoads invention is to mark everyday objects such that when the objects are held up to a digital camera the everyday objects communicate their identities and functions to the device(s). (See e.g. Column 2, lines 7-27). As regards documents, Rhoads discloses "steganographic" encoding of the physical document only with tiny droplets of ink such that when the printed page is later presented to the camera, the device detects the presence of the encoded data on the page. (See e.g. Column 4, lines 1-26). In short, Rhoads discloses the application of physical marks on tangible items and the use of a camera to observe the item and a device to decode the information. (See e.g. Column 8, lines 10-19).

The Examiner states that Applicant's reference repository is found in Rhoads' Bedoop registry (34) as shown in Figure 2 and Column 3, lines 5-7. (Office Action page 3, par.a). However, at Figure 2 and the accompanying description in Rhoads regarding the Bedoop registry (34) (See column 8, lines 8-60), it is disclosed that a CLASS ID derived from Bedoop data by a decoder 32 is "applied to a Bedoop registry (34)". Contrary to the Examiner's assertions, therefore, the Bedoop registry (34) of Rhoads is not a reference repository that receives an electronic file from the communication network and stores characteristic information associated with the electronic file. The Bedoop registry (34) has the CLASS ID "applied" to it by the decoder 32 and does not receive it (or an electronic file)

from the communication network as recited in Applicant's claims. Furthermore, nowhere does Rhoads teach or suggest that the Bedoop registry (34) stores characteristic information associated with the electronic file. In Rhoads, the Bedoop registry (34) identifies and launches a Bedoop application 36 designed to service the Bedoop data based on the CLASS ID that is applied to it by the decoder 32. However, Rhoads does not indicate anywhere that the Bedoop registry (34) stores the CLASS ID or any other characteristic information.

Further, Applicant's invention extracts characteristics from existing electronic files and stores that information for use in inserting an identification code on the electronic file. As set forth above, Rhoads requires the application of Bedoop data to the file before Rhoads can function at all. Any file in Rhoads system without the required Bedoop data is useless for the purposes of his invention. Further, Rhoads does not disclose or suggest assigning and inserting an identification code with respect to the characteristics of the electronic file. A user of Rhodes' invention may hold a card up to a scanner which detects the Bedoop data and be directed to an internet website where the user can personalize the card. A user may also insert watermarks and so forth. Again, however, Rhoads does not disclose or suggest assigning and inserting an identification code with respect to the characteristics of the electronic file.

As a result, as these are required elements of independent claims 1, 15 and 20, Applicant respectfully requests that the rejection of independent claims 1, 15 and 20 and the claims dependent therefrom under 35 U.S.C. § 102 as anticipated by Rhoads be reconsidered, withdrawn and the claims allowed.

CLAIM 9

Applicant incorporates the remarks made above concerning Rhoads. In contrast to the Rhoads device, Applicant's independent Claim 9 as now more particularly claimed is directed, in pertinent part, to a network assembly including a reference repository, an indexing unit and an editing unit. The reference repository receives an electronic file from a communications network, such as the Internet, and stores characteristic information associated with the electronic file. The indexing unit assigns and stores an identification code with respect to the characteristic information. Rhoads' Bedoop data is not derived from the electronic file itself. That is, Applicant's characteristic information is associated with each electronic file and the indexing unit assigns an identification code to the electronic file wherein the identification code comprises a library specific identification

code for procedures used by a specific library and wherein the indexing unit assigns the library specific identification code to the electronic file with respect to the characteristic information of each electronic file. The editing unit inserts the library specific identification code to the electronic file in a format suitable for the electronic file. (See, e.g. page 3, lines 13-21 and page 6, lines 18-28).

No such system is disclosed or suggested whatsoever by Rhoads. Rhoads utilizes preprinted digital data to identify physical objects, such as a carton of milk. A camera decodes the digital data and identifies the object. Thereafter, a device, such as a computer, enables the user to order more milk or make a shopping list of identified objects.

Applicant discloses and claims an apparatus and method for electronically marking an electronic file. Further, Applicant's invention requires use of characteristic information associated with the electronic file in the creation of a library specific identification code and the insertion of the library specific identification code to the electronic file.

The Applicant therefore respectfully submits that Claim 9, as well as dependent Claim 11, are not anticipated by, nor obvious over, Rhoads and are entitled to allowance.

CONCLUSION

In light of the above, Applicant respectfully requests reconsideration and allowance of Claims 1, 3 - 4, 7- 9, 11-12, and 14 - 20. If the Examiner should feel that any issue remains as to the allowability of these claims, or that a conference might expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney.

Applicant intends this to be a complete response. No fee is believed due; however if a fee is due, please charge deposit account number indicated on the transmittal letter.

Respectfully submitted,

J. NEVIN SHAFFER, JR., P.A.

Date: 20 Apr 05

By: 

J. Nevin Shaffer, Jr., Reg. No. 29,858
913 Gulf Breeze Parkway, Suite 43
Gulf Breeze, FL 32561
850-934-4124

ATTORNEYS FOR APPLICANT

Certificate of Facsimile transmission

I hereby certify that this correspondence is being transmitted to the patent and Trademark Office facsimile number (703) 872-9306 on 20 April 2005. Number of Pages, including Transmittal Letter, 10 pages.

Reg. No. 29,858, J. Nevin Shaffer, Jr. 